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TITLE 326 AIR POLLUTION CONTROL BOARD

RULE PROPOSED FOR READOPTION WITH IDEM'S SUGGESTED CHANGES INCORPORATED

LSA Document #06-18

DIGEST

Amends 326 IAC 1-4-1 concerning redesignation of Delaware, Greene, Jackson, Vanderburgh, Vigo, and Warrick counties to attainment for the eight-hour ozone standard, the redesignation of Lake County to attainment for the sulfur dioxide standard, and revocation of the one-hour ozone standard. Effective 30 days after filing with the Legislative Services Agency.

HISTORY

IC 13-14-9-8 Notice and Notice of First Hearing: December 1, 2005, Indiana Register (29 IR 1017). This notice was published as LSA #05-331; however, the content has been moved to this rulemaking.

IC 13-14-9-8 Notice and Notice of First Hearing: February 1, 2006, Indiana Register (29 IR 1766).

Date of First Hearing: March 1, 2006.

Proposed Rule and Notice of Second Hearing: April 1, 2006, Indiana Register (29 IR 2285).

Third Comment Period: April 1, 2006, Indiana Register (29 IR 2287)

Date of Second Hearing: May 3, 2006.

Notice of Recall: July 5, 2006, Indiana Register (20060705-IR-326060018RCA).

Date of Third Hearing: August 2, 2006.

326 IAC 1-4-1

SECTION 1. 326 IAC 1-4-1, AS AMENDED AT 28 IR 1182, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 1-4-1 Designations

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) The air pollution control board incorporates by reference **40 CFR 81.315, revised as of July 1, 2004,* as amended by** the following documents concerning attainment status designations:

- (1) ~~40 CFR 81.315*~~.
- (2) ~~66 FR 53665 (October 23, 2001)*~~.
- (3) ~~68 FR 1370 (January 10, 2003)*~~.
- (4) ~~69 FR 23858 (April 30, 2004)*~~.
- (1) **69 FR 23900 (April 30, 2004)***.
- (2) **70 FR 44475 (August 3, 2005)***.
- (3) **70 FR 56131 (September 26, 2005)***.
- (4) **70 FR 69097 (November 14, 2005)***.
- (5) **70 FR 69454 (November 16, 2005)***.
- (6) **70 FR 77042 (December 29, 2005)***.
- (7) **71 FR 544 (January 5, 2006)***.

(b) For purposes of permits that are subject to 326 IAC 2-3 due to the designations in subsection ~~(a)(4)~~, ~~(a)(2)~~ **(a)(1)**, notwithstanding 326 IAC 2-3-2(a) and 326 IAC 2-3-2(e), the requirements of 326 IAC 2-3 apply to any permit that:

- (1) would otherwise be subject to 326 IAC 2-3; and
- (2) is issued on or after the effective date of the incorporation of ~~69 FR 23858~~. **69 FR 23900**.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 1-4-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2379; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2218; filed Dec 30, 1992, 9:00 a.m.: 16 IR 1382; filed Apr 18, 1995, 3:00 p.m.: 18 IR 2220; filed Oct 22, 1997, 8:45 a.m.: 21 IR 932; filed Apr 17, 1998, 9:00 a.m.: 21 IR 3342; filed Apr 29, 1998, 3:15 p.m.: 21 IR 3341; filed May 21, 2002, 10:20 a.m.: 25 IR 3056; filed Nov 15, 2002, 11:17 a.m.: 26 IR 1077; filed Dec 1, 2003, 10:00 a.m.: 27 IR 1167; filed Nov 12, 2004, 12:15 p.m.: 28 IR 1182*)